

Proposed Ellington Zoning Regulations Revisions  
Submitted by:  
Robert A. Phillips, Town Planner  
8-23-06

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1. Regarding residential monument signage - Add the following regulation to Section 6.3.4 – Signs Permitted in Residential Zones:

**A - Monument Signs - Residential development**

1. Two (2) free-standing signs may be posted at only one entrance to a residential subdivision, multiple-residence development, or active adult community, not to exceed twelve (12) square feet in area and three (3) feet in height noting the name of the complex or development and may include the property's address.
2. Such signage shall be setback a minimum of fifteen (15) feet from all lot lines, shall be located on private property, and shall comply with the sight line setback requirements as required.
3. Maintenance of such signs and associated landscaping shall be the responsibility of the developer until the responsibility is reassigned to a homeowner's association or upon conveyance to an owner of such encumbered lot. If no maintenance provision is executed then signage must be removed upon conveyance of the last lot in the subdivision.

## 2. Revise notice requirements

Our notice requirements are piecemeal at best and should be streamlined. In fact, we may have been doing something more comprehensive than what was written in the regulations (such as requiring notice to abutters within 500 feet on EVERY application for public hearing) as a policy up to this point. However, any deviation from our written regulations can be legally challenged. The notice requirements should be streamlined and consistent in accordance with statutes and good public policy. In light of recent legislation to be effective on Oct. 1, 2006 requiring an official registry of interested parties to be notified when ANY zone change or amendment is proposed, I suggest that we reduce the notice requirements to only abutting property owners on all applications as follows:

### Section 8.1.1 – Application for a Zone Change

The application for a zone change shall conform to the requirements of the Connecticut General Statutes and shall include the following materials:

1. Application form (Zoning Map Amendment and Conceptual Site Plan).
2. Application fee.
3. Owner consents (if not applicant).
4. Parcel deed(s).
- **Remove #5**  
~~5—Property owner's names, lot APNs and owner mailing addresses for all land within 100 feet of the subject property or properties.~~
- **Revise the following in #6**  
6- Class "D" boundary survey indicating the area to be rezoned and showing at least the subject property and all abutting property owners and APN's ~~within 500 feet of the subject parcel(s);~~ including existing inland wetlands and watercourses, zoning, streets, public facilities, and existing and planned open spaces.

- Add the following as #7

**7 - Notification to property owners in accordance with Section 9.4.**

Section 9.3 – Application Requirements

~~- Remove Subsection A.1 – All applications for zone change, subdivision approval where new road construction is contemplated and special permits shall include the names and addresses of the record owners of property which abuts or is within 500 feet of the property subject to the request as such names and addresses appear on the Ellington Assessor's records.~~

Section 9.4 - Notification

- Remove subsection B

~~B – The applicant shall cause notification of the public hearing to all property owners within 500 feet of the parcel by United States Post Office Certificate of Mailing. Such notification shall include as a minimum a copy of the legal notice as provided by the Ellington Planning Department and shall be mailed not more than fifteen days or less than ten days prior to the date of the public hearing.~~

- And insert the following –

**B - In any application for a zone change, regulation amendment, subdivision, re-subdivision, special permit, or any other public hearing, the applicant shall cause notice to be mailed to direct abutters, including abutters across any streets, ten (10) days prior to the hearing. Such notification shall include, as a minimum, a copy of the legal notice as provided by the Ellington Planning Department. Proof of mailings shall be submitted prior to the public hearing in the form of a certificate of mailing or certified mail. Failure to complete all necessary mailings shall deem the application incomplete and subject to denial or postponement.**

Section 9.5 Board of Appeals

- Add **Section 9.5.5 Notification** –

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- 3.** Add the following to Section 2.1 – General Requirements:

**Section 2.1.15 – Potable Water Wells**

**Any proposed well for potable water consumption, including all approved subdivision lots with proposed wells, shall be so situated as to have a minimum seventy-five (75) foot non-contamination radius located entirely in the lot it is servicing.**

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4. Add the following to Section 2.1 –General Requirements:

**Section 2.1.16 - Conflicting Regulations**

**When any provision of these regulations imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other regulation, ordinance, statute or law, the provisions of these regulations shall apply and govern. In the case of any conflict or inconsistency between sections of these regulations themselves, the more stringent section shall apply and govern.**

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**5.** Add Section 4.1 Permitted Uses and Uses Requiring Special Permit

- Regarding Retail Businesses, Wholesale Businesses, and Florist, Wholesale – Add Footnote #8 under each category to the table:

(8) - No individual retail or wholesale business establishment may exceed forty thousand (40,000) square feet. The commission may, by vote of 3/4 of its members, increase the maximum store size up to sixty thousand (60,000) square feet not including mezzanines up to 10% of the total square footage, if the applicant meets the following criteria: additional buffering to sensitive areas, allows linkages to abutting properties where appropriate, and gives consideration to special architectural design. Furthermore, the language of this regulation shall not be construed to allow the same business entity to occupy space on opposite sides of a common wall so as to circumvent the intention of this regulation.

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6. Add to Table 3.1 in Section 3.1 and Table 4.1 in Section 4.1 the following:

**Agriculture – Horse Boarding/Riding Arena**

**Special Permit (SP) in all zones except Industrial (I), Industrial Park (IP), and Planned Commercial (PC) with the appropriate footnote:**

**(x) – Minimum 10 acres. The use may be conducted only by the resident of the premises as an accessory use. The primary and any accessory structures shall not be less than two hundred (200) feet from any street line, side, and rear lot lines. In considering such special use, the Commission shall weigh the agricultural and rural aspects of the area, as well as the residential or commercial character or potential of the area, and shall find that the granting of such land use shall result in an appropriate use of the land and will not have a detrimental effect on the value or enjoyment of existing residential or other uses in the area.**



**7.** Add the following to Article 7 – Special Regulations

**Section 7.12 Small Wind Energy Systems – Windmills**

Wind energy is an abundant, renewable, and nonpolluting energy resource. It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind energy systems to reduce our dependence on non-renewable energy and decrease pollution to our environment.

**A. Definitions**

1. Small Wind Energy System (Windmill) – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.
2. Tower height – The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

**B. The Commission shall approve an application for a special permit for a small wind energy system if it shall find that the proposed windmill will conform to the following standards:**

1. The lot shall be a minimum of forty thousand (40,000) square feet.
2. The height above average ground level of the permanent structure shall not exceed sixty five (65) feet on a parcel less than five (5) acres and eighty (80) feet on parcels five (5) acres or more; provided that, in all cases, the wind system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including any necessary approvals for installation close to airports.
3. The wind system shall not be located closer to a property line than the height of the tower plus the required property line setback of the zone. No part of the wind system structure, including guy wire anchors, may extend closer than the required setback of the zone.

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4. Except during short-term events including utility outages and severe wind storms, the wind system shall be designed, installed, and operated so that noise generated by the system shall not exceed sixty (60) decibels (dBA), as measured at the closest neighboring inhabited dwelling.
5. The wind system shall not result in the impairment of scenic vistas, shall not be located in any easements, or significantly reduce the value of adjoining properties.
6. Adequate landscaping to buffer the ground level equipment and structures from adjoining property is provided.
7. In granting a special permit for a wind system, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purposes of these regulations.

**8.** Add the following to Article 7 – Special Regulations

**Section 7.13 Liquor Control**

**1. No building or premises shall be used, and no building shall be erected or altered, which is intended to be used for the purpose of sale or exchange of alcoholic beverages for consumption on or off the premises if any portion of the building is situated:**

**A. Within five hundred (500) feet in a straight line from any parcel used, intended to be used, or reserved for a place of worship (church), college, school, day care or other institution for children, a hospital, library or charitable or religious institution.**

**B. Within one thousand (1000) feet in a straight line from any portion of any other building used for the sale of alcoholic beverages for consumption on or off the premises, except as noted below;**

**2. Drug Store, Grocery Beer, Restaurant, and Hotel permits are permitted incidental uses to the primary use only.**

**3. A special use permit for the sale of alcoholic beverages shall indicate the specific license approved for a given property. A change to a different license from that approved by the Commission shall require a new special use permit application and approval by the Commission.**

**4. Temporary permits of non-profit organizations are subject only to State Liquor Control Commission requirements.**

And Change the following in Section 4.1 – Permitted Uses and Uses Requiring a Special Permit

- Restaurants, Tavern, Entertainment, Liquor Permitted  
**Change from a permitted (P) use in Commercial zone to Special Permit (SP).**